



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

112-201  
APR 8 1999

400 Seventh Street, S.W.  
Washington, D.C. 20590

Mr. Mel vonSoosten  
Transportation Compliance Specialist  
Special Police Officer  
4685 Rosebud Street  
Cocoa, Florida 32927

Ref. No. 98-0276

Dear Mr. VonSoosten:

This is in response to your letter dated September 4, 1998, regarding the proper description of hazardous materials on a shipping paper and the emergency response information required under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you submitted nine shipping paper exhibits and one emergency response exhibit prepared by your clients for our review.

Under §§ 172.200(a) and 173.22(a)(1), it is the shipper's responsibility to properly describe a hazardous material on a shipping paper. Routine compliance reviews of shipping papers are not normally conducted by this office. Mr. Michael Stevens of my staff identified several entries to you as in error. Without referring to each document individually, we offer the following observations:

1. The HMR do not apply to a material not meeting the definition in 49 CFR 171.8 of a hazardous material.
2. The requirements for describing hazardous materials on a shipping paper are specified in Part 172, Subpart C, of the HMR. Hazardous materials must be clearly identified when described on a shipping paper with materials not subject to the HMR. All required information must be legible as prescribed in § 172.201.
3. A hazardous material must be described using a proper shipping name, hazard class, identification number, and packing group, as shown in the § 172.101 Hazardous Materials Table (HMT). A shipping paper must include the basic description, in proper sequence, as required in § 172.202 (a) and (b). Any additional information required by § 172.203 must be placed after the basic description, unless otherwise permitted. The type of packaging, quantity shipped, and destination marks are the only entries permitted to precede the basic description and may be



980276

repeated after the basic description. A shipper's certification statement must appear on the shipping paper as required by § 172.204.

4. Shipping papers in columnar form may have an "HM" column, quantity or type of packaging, e.g., 10 steel drums, entered before the required basic description. Other columns, e.g. product code, must follow the basic description information.

5. The required shipping description may not contain any code or abbreviation, unless specifically authorized.

6. The requirements for specific content, providing, and maintaining emergency response information are specified in Part 172, Subpart G, of the HMR. The emergency response exhibit submitted appears to contain all of the required information specified in § 172.602(a), however, the basic description and, if applicable, technical name for the material being transported must also be shown on the document as specified in § 172.602(b)(3)(iii).

7. A copy of 49 CFR Parts 100-185 may be ordered from a Government Printing Office bookstore. The volume can also be accessed on the internet at website "[www.access.gpo.gov/nara/cfr/cfr-retrieve](http://www.access.gpo.gov/nara/cfr/cfr-retrieve)".

We trust this satisfies your request. Please contact us if we can be of more assistance.

Sincerely,

A handwritten signature in cursive script, reading "Hattie L. Mitchell".

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

4685 Rosebud Street  
Cocoa, Florida 32927  
September 4, 1998

Stevens  
§ 172.201  
98-0276

Mr. Edward M. Mazzulo  
Director of HazMat Standards  
U. S. DEPARTMENT OF TRANSPORTATION  
RSPA - DHM-10  
400 7th Street SW  
Washington, District of Columbia 20590-0001

Dear Mr. Mazzulo:

This is to request an interpretation of the shipping papers as required 172.201. Attached are copies of bills of lading or pickup orders which are identified as Exhibits 200831, 200144, 201295, 200808, 200827, 200811, 201295, 201226, and 200813 involving orange oil and flavoring extract/flammable liquids.

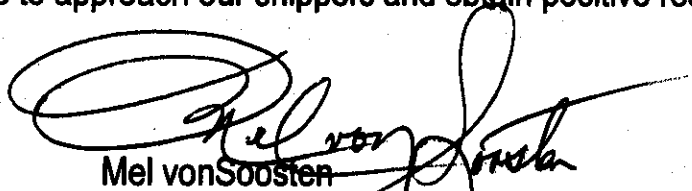
Questions come to light as to compliance. My responsibilities to motor carrier clients is to provide a service of managing their compliance efforts. Shippers have much to do with this ongoing effort - in that consistency is not always the normal course in shipping papers given to drivers who subsequently turn in their paperwork to their motor carriers.

The carrier is contracted with Chem-Tel, and HazMat Authority and registration are in place with qualified drivers. Shipments are generally intrastate Florida (a few interstate) and often not over one hundred miles.

My request, for client and my own information, is for each exhibit to be studied and a letter of explanation from the Director's Office outlining, in brief, what is and what is not in compliance on these random exhibits.

My client is very aware of compliance needs and sincerely desires to operate within the regulations of the U. S. Department of Transportation and all other law enforcement agencies. I have assured my client that the USDOT has the carriers' best interests in mind and will provide the clarification of the attached exhibits with appropriate clarification so that we will be able to approach our shippers and obtain positive results.

With sincerely best regards...

  
Mel vonSoosten  
Transportation Compliance Specialist  
Special Policar Officer  
(FPSC - Inspector - FMR)